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EXAMINER

AU, SCOTT D

ART UNIT PAPER NUMBER

2635

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/765,123

Applicant(s)

PARRY, TRAVIS

Examiner

Scott Au

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on October 23, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

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DETAILED ACTION

This communication is in response to applicant's response to an Amendment A, which is filed October 23, 2003.

An amendment A to the claims 1-10 have been entered and made of record in the Application of Parry for a "Wireless multi-function communication device" filed January 17, 2001.

Claims 1-10 are pending.

Response to Arguments

Applicant's amendments and argument to the rejected claims are insufficient to distinguish the claimed invention from the cited priors or overcome the rejection of said claims under 35 U.S.C 102(a) and 35 U.S.C 103(a) as discussed below. Applicant's amendment and argument with respect to the pending claims 1-10, filed on October 23, 2003, have been fully considered but they are not persuasive for at least the following reasons.

On page 8, first paragraph, Applicant's argument with respect to the invention of August et al. that a data interface circuit (123) shows that the telephone handset circuit disclosed is not a "wireless communication device", is not persuasive.

August et al. disclose a cordless telephone portable unit or handset unit which provides normal wireless communications with a cordless telephone base unit and also provides two-way remote control functions for interacting with a plurality of remotely operated devices (col. 2 lines 27-33; see Figure 1). Furthermore, August et al. disclose

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a control unit generates an identification code that is transmitted from the handset unit to the base unit while establishing initial communications as well as during the transfer of subsequent opcode data to the base unit. This control unit also configures a radio frequency transmitter and an RF receiver for operation on one of the plurality of predetermined frequency channels for communicating with a selected one of the plurality of base units operating on the frequency channel (col. 4 lines 66 to col. 5 lines 7; see Figures 2 and 5). One skilled in the art understands that the handset unit which provides normal wireless communications with a base unit uses wireless communication technique and not a hard-wired tip-ring connection.

On page 8, second paragraph, Applicant's argument with respect to the invention that Application's specification defines "either infrared or short wave radio transmission or reception", is not persuasive.

In response to Applicant's argument that "either infrared or short wave radio transmission or reception" does not include certain features of Application's invention, the limitations on which the Application relies (i.e. "either infrared or short wave radio transmission or reception") are not stated in the claims. It is the claims that define the claimed invention, and it is claims, not specifications that are anticipated or unpatentable. *Constant v. Advanced MicroDevice Inc.*, 7 USPQ2d 1064.

August et al. disclose the handset unit sends via an infrared link an audio mute signal to a remotely operated device then in active use. The infrared link between the handset unit and the video display device may be from an infrared transmitter on the handset unit to an infrared detector on the video display device (col. 3 lines 2-9; see

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Figure 1). Therefore, August et al. also teach the control circuit use infrared transmission or reception.

On page 8, third paragraph, Applicant's argument with respect to the invention of August et al. does not teach that the control circuit comprises a switch for switching operations between the remote control and a telecommunication circuit, is not persuasive.

August et al. disclose the position of the operational mode switch determines the functionality of handset controls provided in the user interface portion of the handset unit. Four mode positions, telephone (PHN), television (TV), video cassette recorder (VCR) and auxiliary (AUX) are illustratively shown and are selectable by a user of the handset unit (col. 7 lines 24-29; see Figure 3). Therefore, one skilled in the art understands that using mode switch 320 of a remote control circuit to switch between multiple communication devices.

On page 9, second paragraph, Applicant's argument that the Examiner fails to state a proper prima facie case for obviousness in rejecting claims 2-3 and 7-9 under 35 U.S.C. 103(a), is not persuasive.

In response to Applicant's argument that there is no suggestion to combine the references, the Examiner recognizes that references cannot be arbitrarily combined and that there must be some reason why one skilled in the art would be motivated to make the proposed combination of primary and secondary references. *In re Nomiya*, 184 USPQ 607 (CCPA 1975). However, there is no requirement that a motivation to make

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the modification be expressly articulated. The test for combining references is what the combination of disclosures taken as whole would suggest to one of ordinary skill in the art. *In re McLaughlin*, 170 USPQ 209 (CCPA 1971).

August et al. disclose the handset unit of Figure 2 are an infrared transmitter, an infrared receiver, a voice band receiver, and an external input connector device. The infrared transmitter and infrared receiver are used for respectively transmitting and receiving infrared signals to and from other infrared controlled devices (col. 5 lines 55-60). Furthermore, August et al. disclose the control unit generates an identification code that is transmitted from the handset unit to the base unit while establishing initial communications as well as during the transfer of subsequent opcode data to the base unit. This control unit also configures a radio frequency (RF) transmitter and an RF receiver for operation on one of the plurality of predetermined frequency channels for communicating with a selected one of the plurality of base units operating on the frequency channel. The transmitter and the receiver respectively transmits signals to and receives signals from the base unit with the control unit providing the appropriate frequency channel control information to both units. The transmit and receive signals of the handset unit are coupled to a duplexer which permits the transmitter and the receiver to both simultaneously operate over antenna while preventing the output of transmitter from being coupled directly to the input of the receiver. The receiver also demodulates voice signals transmitted by the base unit and couples these signals to a loudspeaker. The transmitter has as its input both speech signals from a microphone and data signals from the control unit which it transmits to the base unit (col. 4 line 66

to col. 5 line 20; see Figure 2). One skilled in the art understands that the remote control circuit and telecommunication circuit of August et al. would be operable in the wireless multi-function communication device.

In the same file of endeavor of wireless communication systems, Yamashita et al. teach the radio communication section 1, including a transmitter/receiver, consists of a first radio unit for processing and frequency conversion of high frequency signals, and a first signal processing unit for processing baseband signals.

Similarly, the radio communication section 2, including a transmitter/receiver, consists of a second radio unit 21 for processing and frequency conversion of high frequency signals, and a second signal processing unit for processing baseband signals (col. 3 lines 27-35; see Figure 1). Furthermore, Yamashita et al. disclose a central processing unit (CPU) controls at least the first and second radio communication sections 1 and 2. This control includes known control for each radio communication section and the control of switching over between them as will be described in detail elsewhere in this specification (col. 3 lines 39-44; see Figure 1).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use the signal processor units that connect the CPU of Yamashita into a wireless multi-function communication system of August et al. with the motivation for doing so would have been to provide faster speed of processing signal to control the telecommunication system and appliance control circuit.

One skilled in the art would reasonable to combine references above. These references taught fundamental elements to a wireless multi-function communication

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device. The examiner maintains that the references cited and applied in the last office actions for the rejection of the claims are maintained in this office action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4-6 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by August (US# 5,671,267).

Referring to claim 1, August et al. disclose a multi-function wireless communications device (10) (i.e. a handset unit) (col. 2, lines 27-33; see Figure 1-2) comprising:

a control circuit (110) (control unit) (col. 4, lines 59-63);

an input device (360) (i.e. keypad) (col. 5, lines 22-26) connected to the control circuit (110);

a display device (325) (i.e. LCD display) (col. 5, lines 39-42) connected to the control circuit (110);

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a remote control circuit (i.e. the circuitry comprises of 125, 127, 129 and 130) and a telecommunications circuit (i.e. the circuitry comprises of 113, 114, 123 and 134) connected to the control circuit (110) (col. 4, lines 42-52; see Figure 2).

Referring to claim 4, August et al. disclose the multi-function communication device of claim 1, wherein the input device further including a keypad (360) (col. 5, lines 22-26; see Figure 2).

Referring to claim 5, August et al. disclose the multi-function communication device of claim 1, wherein the display further including LCD display (325) (col. 5, lines 39-42; see Figure 2).

Referring to claims 6 and 10, August et al. disclose the multi-function communication device of claim 1, wherein the control circuit further including a switch (320) (col. 7, lines 23-29; see Figure 3) for switching operation of multi-function wireless communications device between the remote control circuit (i.e. the circuitry comprises of 125, 127, 129 and 130) and the telecommunications circuit (i.e. the circuitry comprises of 113, 114, 123 and 134).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-3 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over August et al. (US# 5,671,267) as applied to the claim 1 above, and further in view of Yamashita (US# 6,223,034).

Referring to claims 2-3 and 7-9, August et al. discloses a wireless communication device (10) (col. 2, lines 27-33; see Figure 2) of claim 1 above, August et al. disclose wherein the multi-appliance remote control circuit further comprises;

A remote control circuit (i.e. the circuitry comprises of 125, 127, 129 and 130) comprises a remote control high frequency transmitter circuit (125) (i.e infrared transmitter) connected to the control circuit (110) and connectable to high frequency communication link (col. 5, lines 55-60; see figure 2); and remote control high frequency receiver circuit (127) (i.e. infrared receiver) connected to the control circuit (110) and connectable to high frequency communication link (col. 5, lines 55-60; see Figure 2).

A telecommunications circuit (i.e. the circuitry comprises of 113, 114, 123 and 134) a radio transmitter circuit (113) connected to the control circuit (110) and connectable to a telecommunications system by a radio signal (col. 5, lines 2-20; see Figure 2); and a radio receiver circuit (114) connected to the control circuit (110) and connectable to the telecommunications system by radio signal (col. 5, lines 2-20; see Figure 2)

However, August et al. did not explicitly disclose the signal processor units for the remote control circuit and telecommunication circuit that connected to the remote control transmitter circuit, remote control receiver circuit and the control circuit.

In the same field of endeavor of wireless communication systems, Yamashita et al. teach that a signal processor unit (12) is connected to the remote control transmitter circuit, remote control receiver circuit (11) (radio unit) (col. 3, lines 27-33) and the control circuit (3) (CPU), wherein the control receiver and transmitter circuit for processing and frequency conversion of high frequency signals, and signal processing unit for signals processing (col. 3, lines 27-31) are used in order to process baseband signals before and after sending the signal to the CPU (3).

One of ordinary skilled in the art recognizes the need to add the signal processing unit (12) that connect to the CPU (3) of Yamashita in an interactive communication of August et al. because August et al. suggest a control unit (110) configures a radio frequency (RF) transmitter (113) and radio frequency (RF) receiver (114) for operation on the frequency channel in a telecommunication circuit (i.e the circuitry comprises of 113, 114, 123 and 134) (col. 5, lines 2-7); and the transmitter (125) and infrared receiver (127) are used for transmitting and receiving infrared signals to and from other infrared controlled devices in a remote control circuit (i.e the circuitry comprises of 125, 127, 129 and 130) (col. 5, lines 55-65) and Yamashita teach that a remote control signal processor (12) connected to the remote control transmitter circuit, remote control receiver circuit (11) (radio unit) (col. 3, lines 27-33) and the control circuit (3) (i.e. CPU) wherein the control receiver and transmitter circuit for processing and

frequency conversion of high frequency signals, and signal processing unit for processing signals (col. 3, lines 27-31), are used in order to increase the speed of signal processing. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use the signal processor units that connect the CPU of Yamashita into a wireless multi-function communication system of August et al. with the motivation for doing so would have been to provide faster speed of processing signal to control the telecommunication system and appliance control circuit.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Au whose telephone number is (703) 305-4680.

The examiner can normally be reached on Mon-Fri, 8:30AM – 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached at (703) 305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are (703)-872-9314 for regular communications and (703)-872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-305-3900.

Scott Au

SA

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